

CITY OF DRIPPING SPRINGS

ORDINANCE No. 1295.1

**HISTORIC DISTRICT ORDINANCE**

AN ORDINANCE ENACTING VOLUME 2, ARTICLE 15, CHAPTER 10, SUBCHAPTER A, OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING AND DESIGNATING THE BOUNDARIES OF THE HISTORIC DISTRICT; PROVIDING FOR RULES; STANDARDS; PROCEDURES; FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING; POPULAR NAME; BOUNDARIES ESTABLISHED; COMPLIANCE REQUIRED; AND INCENTIVES

**WHEREAS,** the United States Supreme Court and Texas courts have recognized that historic preservation is a legitimate public purpose and that municipalities have the constitutional power to regulate the use of private property in the interest of promoting the social and economic goals of preserving historic places deemed to have public value; and

**WHEREAS,** the laws of the State of Texas, including but not limited to Chapter 211 of the Texas Local Government Code, authorize the City Council to protect and preserve places and areas of historical and cultural importance and significance; to designate places and areas of historical and cultural importance; and to regulate the construction, reconstruction, alteration, or razing of buildings and other structures in order to maintain the City's heritage and property values; and

**WHEREAS,** the City Council finds that the spirit and direction of the City are founded upon and reflected in the historic past, and both the cultural and historic foundations of the City should be preserved as a living part of our community life and development in order to give a sense of orientation to the citizens of the City; and

**WHEREAS,** the City Council finds that the loss or degradation of the City's historic buildings and places would have an adverse effect on the shared sense of community and could potentially decimate tourism and retail businesses; and

**WHEREAS,** the City Council finds and declares as a matter of public policy that the protection, enhancement, preservation, and use of historic landmarks are public necessities and are required in the interest of the culture, prosperity, education, and general welfare of the citizens of the City; and

**WHEREAS,** the City Council finds that the protection of architectural heritage and the preservation of this attractive community are worthy ends; and

**WHEREAS,** the City Council hereby declares that it is in the City's interest to preserve the individuality and charm of the City of Dripping Springs by identifying and

designating man-made and natural districts of architectural, cultural, historical, and archeological significance in furtherance of history, prosperity, education, and commerce; and

**WHEREAS,** the City is interested in pursuing *Main Street* programs, for which the designation of Historic Districts are required; and

**WHEREAS,** the City Council has previously enacted a Historic Preservation Ordinance, Number 1290.3, codified as Vol. 2, Art. 15, Ch. 10, and thus established procedures and standards for the designation of Historic Districts; and

**WHEREAS,** the Historic District Designation established by this Ordinance is consistent with the Historic Preservation Ordinance, and the City Council's comprehensive effort to preserve the cultural, historical, ecological and geological treasures of the City and enhance economic development; and

**WHEREAS,** in accordance with the Historic Preservation Ordinance, the City Council, the Planning & Zoning Commission, and the Historic Preservation Commission have conducted public hearings and distributed ample public notice on the possibility of designating an area within the City as a Historic District.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs:**

#### **1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

#### **2. ENACTMENT**

Volume 2, Article 15, Chapter 10, Subchapter A, of the City of Dripping Springs Code of Ordinances is hereby established so to read in accordance with *Exhibit A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

#### **3. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### **4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of

this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**6. EFFECTIVE DATE**

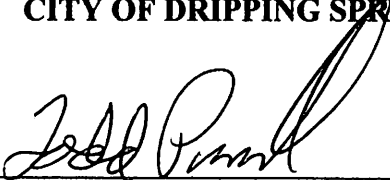
This Ordinance shall be effective immediately upon passage and publication.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED this, the eleventh day of September 2007, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS**

by:   
\_\_\_\_\_  
Mayor Todd Purcell

**ATTEST:**

  
\_\_\_\_\_  
Jo Ann Touchstone, Assistant City Secretary

**APPROVED AS TO FORM:**  
Alan J. Bojorquez, City Attorney

**City of Dripping Springs**

**CODE OF ORDINANCES**

**VOLUME: 2**

**ARTICLE 15: DEVELOPMENT**

**CHAPTER 10: HISTORIC PRESERVATION**

**SUBCHAPTER A: HISTORIC DISTRICT**

**SECTION 1. ENACTMENT PROVISIONS**

**1.1. Popular Name**

This Subchapter shall be commonly cited as the "Historic District Ordinance."

**1.2. Boundaries Established**

The boundaries of the Historic District are hereby established as being in accordance with the borders delineated on the attached map, *Exhibit B*, which is incorporated into this ordinance.

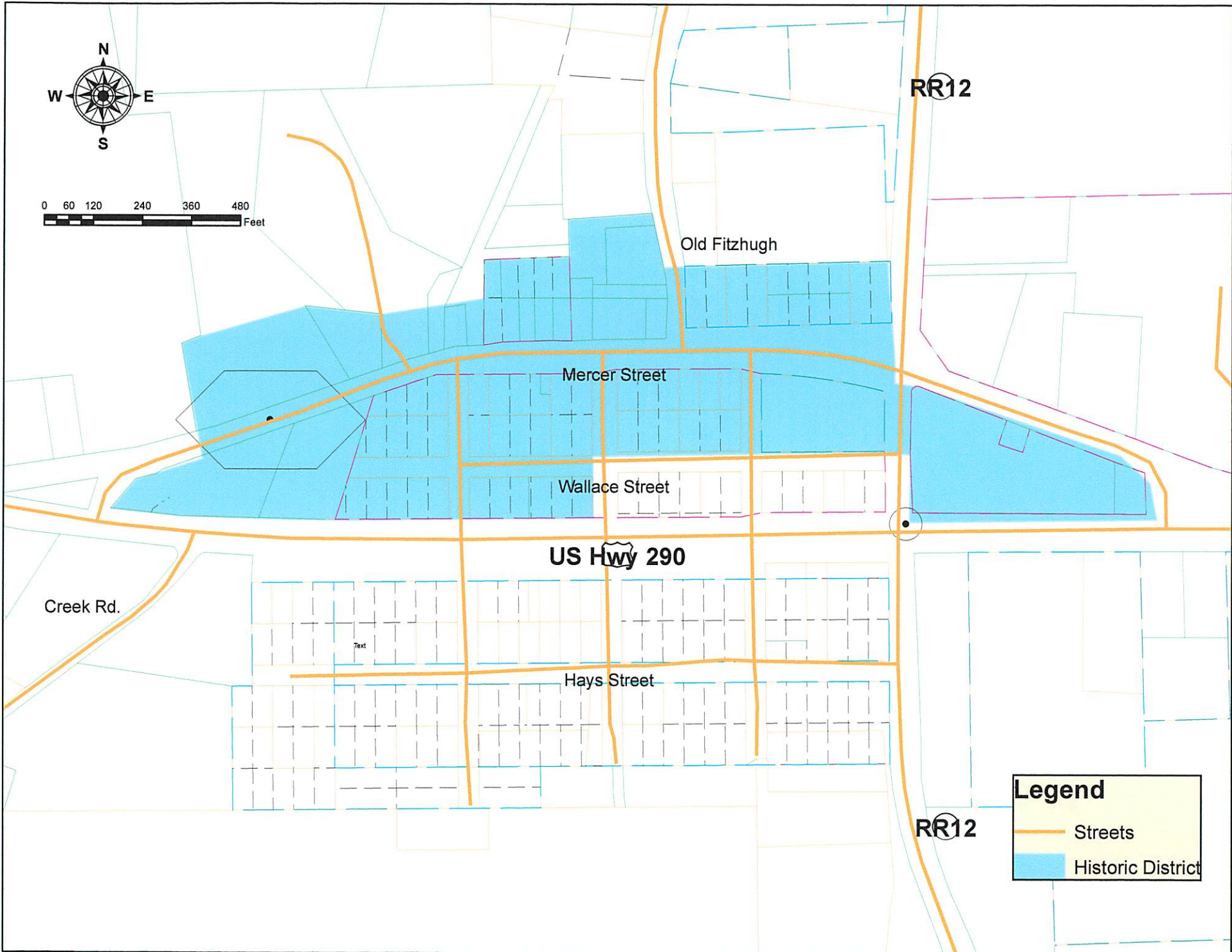
**1.3. Compliance Required**

All persons, buildings, properties, sites and structures located within the Historic District shall comply with the Historic Preservation Ordinance and the Design Guidelines included in the *Implementation Manual* adopted by the City Council.

**1.4. Incentives**

All buildings, properties, sites and structures located within the Historic District are eligible for consideration for the provision of incentives pursuant to the *Implementation Manual* adopted by the City Council.

**MAP OF HISTORIC DISTRICT**



Historic District